

Chapter 110 ZONING\*

ARTICLE II. DISTRICT DEVELOPMENT STANDARDS AND REGULATIONS GENERALLY

DIVISION 13. SPECIAL PROVISIONS

Sec. 110-367. **Residential rental occupancy permits.**

- (a) **Applicability.** The rental or leasing of residential dwelling units in the zoning districts where permitted, except rental apartment houses, for occupancy by persons who are not the owners of such dwellings shall be permitted only after the property owner has obtained a certificate of occupancy for rental use, referred to as a "rental occupancy permit".
- (b) **Application.**
  - (1) Applications for rental occupancy permits shall be filed by the owner or agent thereof with the code official designated by the city manager, on forms to be provided by the city, and shall include the following:
    - a. A statement by the property owner or manager certifying that the occupants of the dwelling unit shall constitute a family, as defined in section 110-4, and that the property complies with all applicable state and local regulations, including specifically the provisions of chapter 10; article III of chapter 14; article II of chapter 38; chapter 42; chapter 46; and chapter 106.
    - b. The name, home and business address, and telephone numbers of the owner and the name, business address and telephone number of any other person or agency responsible for maintenance and supervision of the property. The owner or agent thereof shall submit applicable revisions to the application if the information thereon changes subsequent to the initial filing.
  - (2) The fee for issuance or renewal of a rental occupancy permit, and associated inspections, shall be established by resolution of the city council, and payment of such fee shall be made with the filing of the application.
  - (3) It shall be unlawful for any person knowingly to make any false statements in an application for a rental occupancy permit.
- (c) **Limitations of validity of permit.**
  - (1) A rental occupancy permit shall be valid until the property ceases to be used as a rental unit or until the ownership of the property is transferred, whichever occurs first.
  - (2) In the event ownership of a dwelling or dwelling units subject to this article is transferred, the new owner or the owner's agent shall make application for a new rental occupancy permit within 30 calendar days of the date of transfer.
- (d) **Conditions for issuance of permits; inspections of dwelling units; fees.**
  - (1) Upon the making of an application for a rental occupancy permit, the code official shall issue the permit after determining that the dwelling unit or units for which the permit is sought and the related premises are in compliance with the provisions of this chapter, all applicable state and local laws and regulations, and that all required fees have been paid.
  - (2) To make such determination, the code official shall inspect the dwelling unit, grounds, and accessory structures. The code

official shall perform such inspection when there is a change in tenancy or ownership, and once every five years if there is no such change.

- (3) The code official may inspect the property or direct the inspection of the property by other city or county officials if there is a complaint registered with the city or if the official has other reason to believe that the owner or occupants of the property are in violation of the provisions of this chapter or that the property does not comply with applicable state and local regulations.

(e) **Failure to pass inspection.**

- (1) If the code official determines, after inspection, that any dwelling unit or any part of the premises related thereto fails to comply with the provisions of this chapter, a written notice of the violation or violations shall be given to the applicant. The notice shall specify a date by which the applicant shall remedy the listed violations, at which time a reinspection shall be conducted. If further reinspections are required after the first inspection, the applicant shall pay an inspection fee for each such reinspection visit to each dwelling unit or any part of the premises related thereto to be reinspected.
- (2) The decision of the code official to disapprove an application for a rental occupancy permit may be appealed to the board of zoning appeals by the applicant in accordance with the applicable sections of this Code.

- (f) **Operation without permit.** It shall be unlawful for any owner or agent to rent or lease any vacant dwelling subject to the provisions of this article and allow occupancy thereof, unless the unit is subject to a valid rental occupancy permit.

(g) **Suspension of permit.**

- (1) A permit once issued may be suspended by the code official when the official finds that the owner or occupants of the property are in violation of the provisions of this chapter or that the property does not comply with applicable state and local regulations.
- (2) No permit shall be suspended unless the code official has served the owner or the owner's agent with a notice specifying the violations and affording the owner or the agent a reasonable period of time to correct the violations.
- (3) Upon the failure of the owner or the owner's agent to comply within the time specified in the notice of violation, the code official shall suspend the permit. If the code official determines that the violations are of a serious enough nature to warrant immediate repair, the code official may use the authority granted in section 10-677 to have the repairs made.
- (4) In the event the property owner or agent properly appeals a notice of violation of the property maintenance code in accordance with section 10-39, any pending suspension shall be stayed until the appeal has been completed.
- (5) A suspended permit shall be reinstated after the violation or violations have been corrected and after reimbursement to the city of any funds expended in abating the violations.

(h) **Revocation of permit.**

- (1) Substantiated reports of conduct by the occupants of any rented dwelling or their guests in violation of any provision of chapter 54 of this Code or any criminal act in violation of any provision of the Code of Virginia on two or more occasions within any six-month period shall constitute grounds for the revocation of the rental occupancy permit if the code official determines that revocation is necessary to protect the health, safety and welfare of the residents and/or residents of the neighborhood.
  - (2) The code official shall send written notice to the property owner or agent of each substantiated report of any violation set forth in subsection (h)(1) of this section. Upon receipt of the second such notice within a six-month period, the property owner or agent shall submit a proposal for assuring that such incidents will not continue on the subject property. If the property owner or agent should fail to submit a satisfactory proposal within ten days of receipt of such notice, the code official shall issue a notice of revocation of the rental occupancy permit, the revocation being effective 30 days from receipt of the notice by the property owner or agent.
  - (3) Revocation of the rental occupancy permit by the code official may be appealed to the board of zoning appeals in accordance with the provisions of section 110-1102. The board shall sustain the decision of the code official unless it finds that the provisions of this section have not been violated or that all of the violations have been corrected and provisions made to assure future compliance.
  - (4) Upon revocation of any rental occupancy permit, no application for a subsequent rental occupancy permit shall be accepted by the code official for such property within three months of the date of revocation. In the case of an appeal that is denied, the date of denial of the appeal by the board of zoning appeals shall constitute the date of revocation of the permit.
- (i) **Display and availability of permit required.** Every owner or agent must show to every prospective tenant before occupancy a valid rental occupancy permit covering the dwelling unit to be rented. Every owner or agent must show to any tenant, upon demand, a valid rental occupancy permit covering the dwelling unit the tenant occupies.
- (j) **Penalty for violation of section.** Any person violating any provision of this section shall upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment not exceeding six months. In addition, the court may impose a bond to ensure compliance with the provisions of this section for the next succeeding year.
- (k) **Enforcement by injunction.** Failure, refusal or neglect to comply with any of the provisions of this section may, in addition to any other remedy provided in this section or in place thereof, be restrained, prohibited or enjoined by an appropriate proceeding instituted in a court of competent jurisdiction by the city attorney.
- (l) **New Construction.** The requirement for an inspection fee shall not apply to any building for which a certificate of occupancy has been issued by the city until one year after the issuance of such certificate of occupancy.

(Code 1978, Sec 26-103.1)